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8 IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
9 PHOENIX DIVISION

10 Todd Heichel, Rudy Castro, Justin
11 Garmendia, Joshua Holgate and Randi
12 Pitts, Each Individually and on Behalf
of All Others Similarly Situated,

13 Plaintiffs,

14
15 v.

16 Tri City Transport, LLC, SWWOOP,
17 LLC, and Michael Butler,

18 Defendants.

No. 2:22-cv-1513-PHX-SMM

**PLAINTIFFS' MOTION FOR
INCLUSION OF OPT-IN
PLAINTIFFS IN DEFAULT
JUDGMENT**

19 Plaintiffs Todd Heichel, Rudy Castro, Justin Garmendia, Joshua Holgate and
20 Randi Pitts (collectively "Plaintiffs"), each individually and on behalf of all others
21 similarly situated, by and through their attorneys of Sanford Law Firm, PLLC, and for
22 their Motion for Inclusion of Opt-in Plaintiffs in Default Judgment, state and allege as
23 follows:
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1 1. Plaintiffs filed this lawsuit as a collective action on September 8, 2022,
2 alleging Defendants Tri City Transport, LLC, SWWOOP, LLC, and Michael Butler
3 (collectively “Defendants”) violated the FLSA and Arizona wage laws in failing to pay
4 them proper wages. ECF No. 1.

5 2. During the following months, Opt-in Plaintiffs Cassidy Dorius, Robin
6 Pulis, Courtney Haddo, Roscoe Butterfield, Billy Durbin, Karly Hernandez, Domingo
7 Limon, Shavale James Evison, Isabel Van Der Renst, and Pete Young (collectively
8 “Opt-in Plaintiffs”) each filed a signed consent to join this lawsuit. ECF Nos. 14, 17–
9 21, 24, 27, 31.
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11 3. Defendants failed to file an Answer or otherwise respond, and
12 accordingly Plaintiffs did not request the Court to certify a collective action.
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14 4. After significant effort and multiple extensions, Plaintiffs were able to
15 properly serve all three Defendants and subsequently moved for entry default judgment
16 (ECF No. 49), which the Court granted as to named Plaintiffs only on September 26
17 (ECF No. 51).
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19 5. The Court denied default judgment as to Opt-in Plaintiffs without
20 prejudice and directed Plaintiffs to request the Opt-ins be included as collective action
21 plaintiffs by separate Motion.
22

23 6. Accordingly, Plaintiffs respectfully request inclusion of Opt-in Plaintiffs
24 as collective action plaintiffs in the Court’s default judgment.
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26 7. Because all Defendants reside in Arizona, the Court has general
jurisdiction over all claims against Defendants, including the claims of Opt-in Plaintiffs.

1 *See generally Harrington v. Cracker Barrel Old Country Store, Inc.*, 142 F.4th 678,
2 685 (9th Cir. 2025).

3 8. Moreover, the Court may properly certify a collective action because Opt-
4 in Plaintiffs are similarly situated to Plaintiffs in this case. Following certification, Opt-
5 in Plaintiffs may be included in the default judgment as party plaintiffs. *See Campbell*
6 *v. City of Los Angeles*, 903 F.3d 1090, 1104–05 (9th Cir. 2018).
7

8 9. Plaintiffs concurrently file and incorporate into this Motion their Brief in
9 Support.
10

11 10. In support of this Motion, Plaintiffs incorporate the following exhibits:

12 Ex. 1: Defendants' Secretary of State Filings.

13 WHEREFORE, premises considered, Plaintiffs pray that the Court certify the
14 collective proposed by Plaintiffs and incorporate Opt-in Plaintiffs as party plaintiffs in
15 this lawsuit; authorize default judgment against Defendants on behalf of Opt-in
16 Plaintiffs; and award costs and a reasonable attorneys' fee and grant all other relief to
17 which Plaintiffs may be entitled, whether specifically prayed for or not.
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Respectfully submitted,

**TODD HEICHEL, RUDY CASTRO,
JUSTIN GARMENDIA, JOSHUA
HOLGATE and RANDI PITTS, Each
Individually and on Behalf of All Others
Similarly Situated, PLAINTIFFS**

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